



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 5, 2023

BY ECF

The Honorable Jennifer H. Rearden
United States District Judge
500 Pearl Street
Southern District of New York
New York, New York 10007

Re: *United States v. Charles McGonigal and Sergey Shestakov*, 23 Cr. 16 (JHR)

Dear Judge Rearden:

The Government writes to provide a status update, per the Court's instructions at the March 8, 2023 status conference in the above-referenced case.

The parties have had multiple discussions about the status of discovery and the case and the anticipated evidence at trial. As previewed at the conference, on March 14, 2023, the Government spoke with counsel for both defendants to provide an overview of the categories of evidence that the Government currently anticipates will be most relevant at the trial in this case. The Government answered the questions posed by defense counsel on that call. And today, the parties held another conference call, to exchange status updates and discuss the contents of this letter.

As the Government previewed for defense counsel on our call this afternoon, in re-reviewing our files, the Government identified certain items that were inadvertently omitted from the Government's prior productions, including (1) additional pen register applications and responsive data; (2) additional subpoena returns; (3) additional documents from the FBI's investigative files; and (4) a subset of the materials contained on seized electronic devices that were identified as responsive to search warrants but that were not included in previously produced responsive sets. The Government expects to make a supplemental discovery production containing these materials by the end of this week.

As for the defendants, defense counsel informed us that they are still reviewing the discovery. On March 30, 2023, Shestakov's counsel sent a letter to the Government asking certain questions about the Government's discovery productions. The Government answered that letter on April 4, 2023, and answered some follow up questions on today's call. And counsel for both defendants indicated that they expect to send additional letters making requests for information in

connection with discovery. The Government will continue to promptly respond to any defense inquiries, and the parties will continue to confer as necessary about discovery.

We are available to answer any questions the Court may have in advance of the status conference next month.

Respectfully submitted,

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Cc: Defense Counsel (by ECF)